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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,804	10/11/2005	Srinivas Venkata Rama Gutta	US030087	5537
22885	7590	12/23/2008	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C.			HOSSAIN, FARZANA E	
801 GRAND AVENUE			ART UNIT	PAPER NUMBER
SUITE 3200				2424
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12/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/552,804	GUTTA, SRINIVAS VENKATA RAMA
	<b>Examiner</b>	<b>Art Unit</b>
	FARZANA E. HOSSAIN	2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 September 2008.
- 2a) This action is **FINAL**.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-9 and 11-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 September 2008 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/11/2005</u>	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to communications filed 09/16/2008. Claims 1, 7, 13 and 16 are amended. Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15 and 17-19 are original. Claims 4 and 10 are cancelled.

### ***Response to Arguments***

2. Applicant's arguments filed 09/16/2008 have been fully considered but they are not persuasive.

Regarding Claims 1, 7, 13 and 16, the applicant argues that the independent claims have each been amend to more clearly differentiate the subject matter from the cited prior art with claim 4 language (Page 9). The applicant further argues that Wilf discloses capturing key frames from all received video data versus the applicant's invention which takes key frames from video in accordance with user's interactive input (Page 10).

In response to the argument, the claim language states extraction in response to user input and user input can be channel selection or a search. Wilf discloses extracting the key frames of a particular program is performed interactively in response to said user's input or based on the selection of a channel, recording of a program or

search by the user (Page 3, paragraphs 0038, 0044-0046). Therefore if the user selects the channel a key frame is extracted for channel searching or based on a user profile or query (Page 3, paragraphs 0046, 0038).

***Information Disclosure Statement***

3. The information disclosure statement filed 10/11/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

***Drawings***

4. The drawing is objected to because Figure 2 contain currently blocks with references numerals. The figures should include labels and reference numerals for clarity of each system or process drawing. For instance, 26 is memory and 24 is processor. Please amend accordingly.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 7 and 16 are objected to because of the following informalities: Claims 7 and 16 recite "wherein the step of obtaining the video image content is achieved by extracting key frames..." There is no step of extracting key frames. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-9, 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al (US 2006/0212900 and hereafter referred to as "Ismail") in view of Wilf (US 2001/0049826).

Regarding Claims 1, 7, 13 and 16, Ismail discloses a system for providing a recommendation (Page 6, paragraph 0089), comprising:

an input device for providing viewing preference of a user (Pages 3-4, paragraph 0065, Page 7, paragraph 0104, Pages 18-19, paragraphs 0225, 0230);

and a processor (Figure 1, 110) for: receiving a plurality of programs from a plurality of channels (Figure 1);

extracting content of said plurality of programs watched by a user to determine preferences of said user (Page 7, paragraphs 0097, 0099, 0104, Page 9, paragraph 0127-0129, Page 13, paragraphs 0170, 172);

generating at least one user profile indicating preferences for a particular program based on the content or electronic program guide (EPG) data embedded therein of said plurality of programs (Page 7, paragraphs 0097, 0099, 0104, Page 9, paragraph 0127-0129, Page 22, paragraph 0254, Page 23, paragraph 0263, Page 13, paragraphs 0170, 0172);

comparing the user profile with incoming programs from a plurality of channels to determine a desired program (Page 22, paragraph 0254, Page 23, paragraph 0263) and if there is a match, recommending the desired program to the viewer and providing a plurality of viewing recommendations based on said user profile (Page 22,

paragraph 0254, Page 23, paragraph 0263, Figure 20). Ismail does not discloses extracting key frames of said plurality of programs watched by a user to determine preferences of said user and generating a user profile based on said extracted key frames of said plurality of programs; wherein the step of extracting key frames is performed on selected programs interactively in response to the user's input .

In analogous art, Wilf discloses extracting key frames or video image contents of said plurality of programs watched by a user to determine preferences of said user and generating a user profile based on said extracted key frames of said plurality of programs (Page 3, paragraph 0045, 0046, 0038). Wilf discloses extracting the key frames of a particular program is performed interactively in response to said user's input or based on the selection of a channel, recording of a program or search by the user (Page 3, paragraphs 0038, 0044, 0045). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ismail to include extracting key frames or video image contents of said plurality of programs watched by a user to determine preferences of said user and generating a user profile based on said extracted key frames of said plurality of programs (Page 3, paragraph 0045, 0046, 0038); extracting the key frames of a particular program is performed interactively in response to said user's input or based on the selection of a channel, recording of a program or search by the user (Page 3, paragraphs 0038, 0044, 0045) as taught by Wilf in order to allow for efficient automatic channel searching (Page 3, paragraph 0046) as disclosed by Wilf.

Regarding Claims 2 and 8, Ismail and Wilf discloses all the limitations of Claims 1 and 7 respectively. Ismail discloses selecting at least one viewing recommendation by

said user or selecting at least one desired program for viewing at a particular time (Page 22, paragraph 0254).

Regarding Claim 3, Ismail and Wilf discloses all the limitations of Claim 1. Ismail discloses further comprising the step of displaying at least one viewing recommendation.

Regarding Claims 5, 12, 15 and 19, Ismail and Wilf discloses all the limitations of Claims 1, 7, 13 and 16 respectively. Ismail discloses updating the content of said user profile to reflect said user's changing preference (Page 5, paragraph 0086, Page 7, paragraphs 0097, 0099, 0104, Page 8, paragraph 0113).

Regarding Claim 6, Ismail and Wilf discloses all the limitations of Claim 1. See rejection of Claims 1, 7, 13 and 16.

Regarding Claim 9, Ismail and Wilf discloses all the limitations of Claim 1. Ismail discloses storing said selected program in a storage medium for a subsequent replay (Pages 3-4, paragraph 0065).

Regarding Claims 11 and 18, Ismail and Wilf discloses all the limitations of Claim 7 and 16 respectively. Ismail discloses a display for displaying said desired program for viewing (Page 22, paragraph 0254).

Regarding Claims 14 and 17, Ismail and Wilf discloses all the limitations of Claims 13 and 16 respectively. Ismail discloses a memory for storing the preferences of said user or user profile (Page 4, paragraph 0069, Figure 1, 116, Figure 43, 116).

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2424

FEH  
December 20, 2008